

EXHIBIT F

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1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Lead Case No. 08-99000-smb

4 - - - - - x

5 Adv. Case No. 10-04390-smb

6 - - - - - x

7 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

8 MADOFF INVESTMENT SECURITIES LLC, AND BERNARD L. MADOFF,

9 Plaintiffs,

10 v.

11 BAM L.P., et al.,

12 Defendants.

13 - - - - - x

14 Adv. Case No. 10-04377-smb

15 - - - - - x

16 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

17 MADOFF INVESTMENT SECURITIES LLC, AND BERNARD L. MADOFF,

18 Plaintiffs,

19 v.

20 NELSON, et al.,

21 Defendants.

22 - - - - - x

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1 Adv. Case No. 08-01789-smb

2 - - - - - x

3 SECURITIES INVESTOR PROTECTION CORPORATION,

4 Plaintiff,

5 v.

6 BERNARD L. MADOFF INVESTMENT SECURITIES, LLC, et al.,

7 Defendants.

8 - - - - - x

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10 United States Bankruptcy Court

11 One Bowling Green

12 New York, NY 10004

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14 November 28, 2018

15 10:03 AM

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21 B E F O R E :

22 HON STUART M. BERNSTEIN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO: K. SU

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1 HEARING re 10-04390-smb Motion for (A) Expedited
2 Determination Of Motion For A Stay Of Trial Pursuant To Rule
3 5011(C) Pending Ruling By The District Court On Defendants
4 Motion To Withdraw The Reference And (B) Granting A Stay.

5

6 HEARING re 10-04390-smb Request For Trial Logistical Matters

7

8 HEARING re 10-04377-smb Conference re Trial (also applies to
9 Adv. Proc. No. 10-04658)

10

11 HEARING re 08-01789-smb Trustees Twenty-Third Omnibus Motion
12 to Overrule Objections of Claimants, solely with respect to
13 claim of FGLS Equity LLC

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25 Transcribed by: Sonya Ledanski Hyde

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1 mean, we discussed last time the Germaine case, which it
2 says --

3 THE COURT: Germaine said because it was part of
4 the claims allowance process.

5 MR. CREMONA: Fair enough, Your Honor. But
6 clearly, In Re EXBS, as we discussed at length, I think
7 which is applicable here, found that the purported
8 withdrawal of a claim was null and void and struck a right
9 to a jury trial as a result. The facts of this case, Your
10 Honor, all four as we --

11 THE COURT: So you don't want to submit any
12 further pleadings on this motion.

13 MR. CREMONA: We're happy to submit them as soon
14 as Your Honor would like, but we don't want to delay the
15 trial that is scheduled to go forward.

16 THE COURT: Well, that may be inevitable. Because
17 there's no point in my trying a case where I don't have
18 jurisdiction and they have a right to a jury trial, and this
19 is not a simple issue.

20 MR. CREMONA: Well, I think there are additional
21 factual issues. I know I mentioned --

22 THE COURT: There are certainly factual issues.
23 There are a lot of factual issues. The question is whether
24 there are factual issues relating to the claims allowance
25 process where she has withdrawn the claims.

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1 try them back to back in May, or we can consolidate them and
2 just try them together; they're the same issues.

3 MR. DEXTER: What we're asking for simply is a
4 trial in June for the main case, which has the two Nelson
5 defendants; that's all we're asking for. We're asking for -
6 -

7 THE COURT: Is there an objection to that?

8 MR. HUNT: Yes, Your Honor. We, you know, have
9 been waiting a long time. We think that they're just trying
10 to schedule the low value case first and delay.

11 THE COURT: Why don't we do this? Why don't you -
12 - I'm going to issue an order, oral order to show cause, Mr.
13 Dexter, why the cases should not be consolidated for trial
14 for the reasons I've said. It's basically the same issues;
15 the only difference is the deposits and withdrawals from the
16 respective accounts.

17 And, you know, you may disagree with them, but I
18 assume they're going to prove them through Miss Collura and
19 Mr. Greenblatt. And having gone through the PW trial, it's
20 not going to take a lot of time. Then, you know, it's the
21 same issues whether there was a Ponzi scheme; maybe some of
22 these legal issues that I've been discussing with Miss
23 Neville will come up. But how long do you need to respond
24 to that motion?

25 MR. DEXTER: We can respond in seven days.

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1 THE COURT: Okay. So you file your response --
2 let me just finish this.

3 MR. DEXTER: Okay.

4 THE COURT: So you file your response to my -- so
5 your response will be due the 5th.

6 MR. HUNT: That's right.

7 THE COURT: Any reply will be due the 12th. I'll
8 adjourn it to the 19th. And then we'll just fix the second
9 trial date either as part of the first trial or I'll fix it
10 for afterwards.

11 MR. HUNT: That sounds great to us.

12 THE COURT: Okay.

13 MR. HUNT: Thank you.

14 MR. DEXTER: Your Honor, along with that briefing,
15 I would like to request permission to file a motion for an
16 adjournment of these trials, given that the Trustee just
17 yesterday, or it may have been the day before that, amended
18 his initial disclosures in all of the cases except these two
19 cases and the (indiscernible) case to disclose at least a
20 dozen witnesses who the Trustee asserts has knowledge and
21 who, if the Trustee's amended disclosures are accurate,
22 should have been disclosed earlier and should have been
23 disclosed in this case. So we'd like to brief that issue.

24 THE COURT: What is this?

25 MR. HUNT: Some of the cases still have discovery